

REMARKS

This Amendment to the patent application is made following the Request for Continued Examination filed in this case and as a follow-up to the interview with the Examiner in charge of this application which was conducted on February 28, 2003. Reconsideration of the merits of this application, including the changes made herein, is respectfully requested.

The applicant again wishes to thank Examiner Woitach and Supervisor Examiner Reynolds for their courtesy in granting myself and the inventor with a personal interview on February 28, 2003. At that interview, the discussion largely focused on the technical issue about the sufficiency of other fibroblast growth factors to be capable of causing serum free medium to be sufficient for the cloning and cultivation of human embryonic stem cells. Also at the interview, the inventor presented to the Examiner the data which is contained within the Declaration of Thomson submitted herewith.

At the suggestion of the Examiner, with the exception of Claim 17, applicant has amended the claims so as to recite other constituents of a serum replacement used to culture human embryonic stem cells. The support in the specification for the items listed in Claims 1 and 9 can be found at the bottom of page 2 of the specification, referring specifically to the serum replacement used by the applicant here.


Claim 17 has been amended so as to recite in Jepson format the improvement observed by the applicant here. It is believed that in that format the claim is proper and complete as it stands.

The applicant continues to believe that the invention is non-obvious and that the claims are of proper scope for the invention as enabled by the applicant here. At the time of the Advisory Action, the Examiner indicate an acknowledgment that it was surprising that bFGF worked to make the cultivation of human embryonic stem cells successful in a serum free media. The applicant agrees with that observation but also assert that that same unexpected result can be achieved with any fibroblast growth factor. It is for that reason that the applicant presents the Declaration of Thomson enclosed herewith, which establishes a reasonable basis for belief that other fibroblast growth factors will have the same result. Note that another fibroblast growth factor, the acidic fibroblast growth factor, has already been demonstrated to have the same effect. Since the other known growth factors all effect the same receptors in the cells, as shown in the attaché reference to Ornitz, it is reasonable to believe that all fibroblast growth factors will have the same effects as demonstrated in the

specification specifically with basic fibroblast growth factor.

Therefore, it is believed by the applicant that the claims as recited herein recite novel subject matter that is not obvious in view of the cited art and that is commensurate with the scope of that which the applicant has enabled. Accordingly, reconsideration of the merits of this patent application and its early allowance is respectfully requested.

Respectfully submitted,



Nicholas J. Seay
Reg. No. 27,386
Attorney for Applicant
QUARLES & BRADY LLP
P O Box 2113
Madison, WI 53701-2113

TEL 608/251-5000
FAX 608/251-9166

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